

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 11 2022 ★

LONG ISLAND OFFICE

JONATHAN WILLIAM NEIRA MARQUEZ

PLAINTIFF,

[INSERT FULL NAME OF PLAINTIFF/PRISONER]

- against -

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

JURY DEMAND

YES ☒ NO ☐

CV 22 2116

KIRBY FORENSIC PSYCHIATRIC CENTER
WARDS ISLAND, NY 10035

AZRACK, J.

DEFENDANT(S)

SHIELDS, M.J.

[INSERT FULL NAME(S) OF DEFENDANT(S). IF YOU NEED ADDITIONAL SPACE, PLEASE WRITE "SEE ATTACHED" AND INSERT A SEPARATE PAGE WITH THE FULL NAME OF THE ADDITIONAL DEFENDANTS. THE NAMES LISTED ABOVE MUST BE IDENTICAL TO THOSE LISTED IN PART II]

1. PARTIES: (IN ITEM A BELOW, PLACE YOUR NAME IN THE FIRST BLANK AND PROVIDE YOUR PRESENT ADDRESS AND TELEPHONE NUMBER. DO THE SAME FOR ADDITIONAL PLAINTIFFS, IF ANY.)

A. NAME OF PLAINTIFF JONATHAN WILLIAM NEIRA MARQUEZ

IF YOU ARE INCARCERATED, PROVIDE THE NAME OF THE FACILITY AND ADDRESS!

NASSAU COUNTY CORRECTIONAL CENTER

100 CARMAN AVENUE

EAST MEADOW, NY 11554

PRISONER ID NUMBER: 2004060017

IF YOU ARE NOT INCARCERATED, PROVIDE YOUR CURRENT ADDRESS:

TELEPHONE NUMBER: (516) 853-4098

B. LIST ALL DEFENDANTS. YOU MUST PROVIDE THE FULL NAMES OF EACH DEFENDANT AND THE ADDRESSES AT WHICH EACH DEFENDANT MAY BE SERVED. THE DEFENDANTS LISTED HERE MUST MATCH THE DEFENDANTS NAMED IN THE CAPTION ON PAGE 1.

DEFENDANT NO. 1

MICHAEL KUNZ
FULL NAME

DIRECTOR
JOB TITLE

102 RIVERS EDGE ROAD
WARDS ISLAND, NY 10035
ADDRESS

DEFENDANT NO. 2

JENNIFER ZHU
FULL NAME

M.D. DOCTOR
JOB TITLE

102 RIVERS EDGE ROAD
WARDS ISLAND, NY 10035
ADDRESS

DEFENDANT NO. 3

SIDIKI DABO
FULL NAME

M.D. DOCTOR
JOB TITLE

102 RIVERS EDGE ROAD
WARDS ISLAND, NY 10035

ADDRESS

DEFENDANT NO. 4

KALINA LOVELL
FULL NAME

MHLS ATTORNEY
JOB TITLE

102 RIVERS EDGE ROAD
WARDS ISLAND, NY 10035
ADDRESS

DEFENDANT NO. 5

MELISSA CRANE
FULL NAME

JUDGE
JOB TITLE

ADDRESS

II. STATEMENT OF CLAIM:

(STATE BRIEFLY AND CONCISELY, THE FACTS OF YOUR CASE. INCLUDE THE DATE(S) OF THE EVENT(S) ALLEGED AS WELL AS THE LOCATION WHERE THE EVENTS OCCURRED. INCLUDE THE NAMES OF EACH DEFENDANT AND STATE HOW EACH PERSON NAMED WAS INVOLVED IN THE EVENT YOU ARE CLAIMING VIOLATED YOUR RIGHTS. YOU NEED NOT GIVE ANY LEGAL ARGUMENTS OR CITE TO CASES OR STATUTES, IF YOU INTEND TO ALLEGE A NUMBER OF RELATED CLAIMS, NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. YOU MAY USE ADDITIONAL 8 1/2 By 11 SHEETS OF PAPER AS NECESSARY.)
WHERE DID THE EVENTS GIVING RISE TO YOUR CLAIM(S) OCCUR? INSIDE KFPC FIRST FLOOR WHERE INMATES GET ADMITTED.

WHEN DID THE EVENTS HAPPEN? (INCLUDE APPROXIMATE TIME AND DATE) STARTED
9/22/2021 - 2/28/2022 AND 3/30/22 10:15AM - 11:15AM

FACTS: (WHAT HAPPENED?) UNDER THE SPECIFIC NAME "JONATHAN NEIRA," I HAVE BEEN ADMITTED WITHOUT PROCESS TO KIRBY FORENSIC PSYCHIATRIC CENTER FROM NASSAU COUNTY CORRECTIONAL CENTER AS A PRISONER THAT HAS BEEN VIOLATED HIS ARTICLE 180 AND MEMORANDUM OF LAW RIGHTS, ALSO ADMITTED WITHOUT PROCESS INTO THE NASSAU COUNTY CORRECTIONAL CENTER, WITH NO INFORMATION BEING FILED; SUPPLEMENTAL COMPLAINT FILED. NOT PROPERLY ARRESTED SINCE COMMENCEMENT ARREST DATE 4-21-2021.

JONATHAN NEIRA'S ARREST NUMBER: 2021AR504205 CASE FOLDER NUMBER: 2021CR332434. UNDER FEDERAL RULE(S) OF CRIMINAL PROCEDURE(S) 395g; PROCESS TO WHOM ISSUED; ARRESTS WITHOUT PROCESS IS ILLEGAL. JONATHAN NEIRA'S FIRST TIME ADMITTED INTO KFPC ON SEPTEMBER 22, 2021 WITH A TEMPORARY COURT ORDERED ON AUGUST 24, 2021 BY JUDGE "MERYL J. BERKOWITZ" STATING, IT CANNOT EXCEED 90 DAYS STAY WHICH WAS ILLEGAL BECAUSE, I DIDN'T HAVE ANY CRIMINAL CHARGES CONTIGENT TO CRIMINAL PROCEDURES LAW. I "JONATHAN NEIRA" HAVE YOUTH OFFENDER SEALED INDICTMENTS THAT, THE JUDICIAL COURT IN NASSAU COUNTY, **II.A. INJURIES.** IF YOU ARE CLAIMING INJURIES AS A RESULT OF THE EVENTS ^{THEY} YOU ARE COMPLAINING ABOUT, DESCRIBE YOUR INJURIES AND STATE WHAT MEDICAL TREATMENT YOU REQUIRED. WAS MEDICAL TREATMENT RECEIVED? THROUGHOUT THE TIME FRAME OF EVENTS, CAUSED DELAY TO MY NEUROLOGICAL DEVELOPMENT GROWTH FOR MY PHYSICAL INJURIES OF MY EXISTING CONTINUOUS RECOVERY FROM GETTING SHOT IN THE BACK OF MY HEAD. THE CIRCULATING PAIN GOWING FROM MY BRAIN TO MY FEET AND UP AGAIN, INCREASING MY TBI DUE TO LACK OF SPECIAL MEDICAL ASSISTANCE CREATING CONFECTION TO MY PERSONAL AND BUSINESSES DAILY NEEDS TO GET MY PROPER CONTINUOUS MEDICINE TREATMENT 120 30MG, OXYCODONE AND THE ADEQUATE NEUROLOGIST TO SERVICE MY ORIGINAL HEALTH CONDITIONS. TO MY LEGALLY BLIND, TBI, AND CORTICAL BLANDNESS SITUATION ON A DAILY BASIS AS NEED IT.

4-1

FACTS:

WANTED TO BREACH. THE SECOND TIME I GOT ADMITTED INTO KFPC WAS ON 2-28-2022 WITHOUT ANY COURT ORDER, NO CHARGES AND NO TERMS. DR. SIDIKI DABO, KATYA FRISCHER HAVE REQUESTED A TREATMENT OVER OBSESSION AND A REQUEST FOR JUDICIAL INTERVENTION THROUGHOUT THE TIME FRAME, I HAVE RESIDED AND RESIDE IN KFPC, FORCING ME TO TAKE PSYCHIATRIC MEDICINE, NEGLECTING TO COMPLY WITH MY HIPAA RECORDS. "JONATHAN NEIRA" IS REGISTERED WITH NYS COMMISSION FOR THE BLIND AS LEGALLY BLIND FOR PHYSICAL INJURIES SINCE 2011. MICHAEL KUNZ M.D, DIRECTOR OF CLINICAL SERVICES, DRs. SIDIKI DABO AND KATYA FRISCHER HAVE VIOLATED KFPC POLICY GUIDELINES AND RULES BY ADMITTING ME WITHOUT PROCESS. JONATHAN NEIRA HAS YOUTH OFFENDER SEALED INDICTMENTS, CREATING DISCRIMINATION OF CHARACTER, MAL PRACTICE, IMPEDING JONATHAN NEIRA TO BE DISCHARGE AND RETURN TO NCCC JURISDICTION, TO BE INFRONT OF THE SUPREME COURT PART II, AWAITING FOR MY DOCUMENTS SUCH AS MY CIVIL ACTION TO GET REPRESENTED IN REGARDS TO MY UNLAWFUL INCARCERATION. ON MARCH 30, 2022 HONORABLE JUDGE "MELISSA CRANE" FROM SUPREME COURT COUNTY OF NEW YORK GRANTED, THE REQUEST OF JUDICIAL INTERVENTION WITHOUT JONATHAN NEIRA HAVING NO CONTINGENCY OF CRIMINAL CHARGES OR AN INDEX NO. TO SUPPORT MY CIVIL RIGHTS COMPLAINT. UNDER MY FULL IDENTIFICATION; JONATHAN WILLIAM NEIRA MARQUEZ, REGISTERED IN THE NMLS OPERATING THROUGH MY BANKING REGISTRATION SELF EMPLOYED SINCE 2018 AND 2019 TO CURRENT DAY AS A FINANCIAL OFFICER. AS A FINANCIAL OFFICER, EVERY VIOLATION UNDER FEDERAL SUPERVISION IS \$25,000.00 AND EVERY VIOLATION UNDER STATE SUPERVISION IS \$10,000.00. AS JONATHAN WILLIAM NEIRA MARQUEZ, OWNER AND MANAGER OF THE BUSINESS ENTITY; "JWNM PRODUCT SOLUTIONS LLC" AND BUSINESS ENTITY; "J WILLIAM FAMILY FIRST LLC", IS CLAIMING \$300,000,000.00 FOR DISCRIMINATION OF CHARACTER, MAL PRACTICE, ABUSE, NEGLECT DAMAGES. THE FIRST TIME I WAS ADMITTED IN SEPTEMBER 22, 2021 THE FOLLOWING JUDGE AND DOCTOR ADMINISTARTED THE TEMPORARY COURT ORDERED; HONORABLE JUDGE

FACTS: 4-2

NANCY M. BANNON AND JENNIFER ZHU, M.D. IN 2021 AND 2022. THE FOLLOWING NAMES ABOVE HAVE CREATED A LIFE THREATENING MATTER TO MY WELL BEING BY TAKING CONTROL OF MY HEALTH CONDITIONS IN THEIR OWN TERMS NEGLIGENTLY DISREGARDING MY HIPAA RECORDS TO MY HEALTH SITUATION.

III. RELIEF: STATE WHAT RELIEF YOU ARE SEEKING IF YOU PREVAIL ON YOUR COMPLAINT.

I AM SEEKING FOR COMPENSATION OF \$300,000,000.00 FOR ALL CIVIL RIGHTS AMENDMENTS VIOLATED IN THE SAFE ACT, FHA ACT, DODD FRANK ACT, BSA ACT AS A CITIZEN AND PROFESSIONAL REPRESENTING (ADA) ADMINISTRATION OF DISABILITY ACT AND MY NMLS BANKING REGISTRATION CONTINUOUS EDUCATION. I AM ANTICIPATING MY GRATITUDE FOR THE CONSIDERATION THE COURT AND JURY EXAMINE AND REVIEW SUCH PREJUDICE PERJURY DISCRIMINATION AND MAL PRACTICE. FURTHERMORE, I REQUEST THE COURT AND JURY TO GATHER A COPY OF MY CONVICTION HISTORY TRANSCRIPT TO SUPPORT MY COMPLAINT FROM NASSAU COUNTY DIVISION OF LEGAL BUREAU LOCATED AT 1490 FRANKLIN AVENUE MINEOLA NY 11501, ON THE FIRST FLOOR UNDER THE SPECIFIC NAME AS; "JONATHAN NEIRA".

I DECLARE UNDER PENALTY OF PERJURY THAT ON 4-5-2022, I DELIVERED THIS COMPLAINT TO PRISON AUTHORITIES AT NCCC (DATE) TO BE MAILED TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK. (NAME OF PRISON)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: 4/5/22

Jonathan Neira

SIGNATURE OF PLAINTIFF

NASSAU COUNTY CORRECTIONAL CENTER

NAME OF PRISON FACILITY OR ADDRESS IF NOT

INGARCERATED

100 CARMAN AVENUE

EAST MEADOW, NY 11554

ADDRESS

PRISONER ID# 2004060017

ORIGINAL

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U.S. DISTRICT COURT E.D.N.Y.

★ APR 11 2022 ★

INSTRUCTIONS FOR FILING A CIVIL RIGHTS COMPLAINT

LONG ISLAND OFFICE

Attached is a complaint form for filing an action under 42 U.S.C. § 1983. Observe the following instructions for completing the complaint:

1. Caption: It is very important, if possible, that you state the first and last name of each defendant and badge number, if appropriate. You are required to furnish the correct name and address of each person so that service of process upon each defendant can be made.

2. Contents: The form should be fully completed. It can be typewritten or handwritten. It must be legible. If you need more space to answer a question, attach a separate sheet of 8 ½ by 11 paper to your complaint. You are required to state facts, such as the date and location of the events. You need not make legal arguments or cite to cases. The complaint must have an original (not photocopied) signature by each plaintiff. The complaint need not be notarized.

3. Copies: You must send the Court the original complaint and two exact copies (a complete set of three). You should keep another copy for your records. Copies can be xeroxed, handwritten or typewritten, but all copies must be identical to the original.

4. Fee: The filing fee is \$400, payable to the Clerk of the Court, USDC, EDNY by certified check, bank check, personal check, money order or cash (if paying in person). If the filing fee is paid, the U.S. Marshal will not be directed to serve the defendants and plaintiff will be responsible for service of process on defendants. Service of the summons and complaint can be made by anyone over the age of 18 who is not a party to the action. See Fed. R. Civ. P. 4. If you are granted *in forma pauperis* status and are a prisoner, the filing fee is \$350 and is payable in installments.

5. Inability to Pay the Fee: If you cannot pay the fee, you may apply to the Court to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C § 1915 by completing the attached form. If there is more than one plaintiff, each plaintiff must provide a separate declaration in support of the request to proceed *in forma pauperis*. If you are a prisoner, you must also complete the attached Prisoner Authorization form.

6. Prison's Grievance Procedures: Prisoners filing an action in federal court regarding prison conditions must first exhaust administrative procedures (such as the prison's grievance procedures). See 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies before filing your action in federal court.

When you have completed the forms, mail the original and 2 copies to the:

United States District Court
Eastern District of New York
225 Cadman Plaza East, Brooklyn, NY 11201
Attention: Pro Se Office

or

United States District Court
Eastern District of New York
100 Federal Plaza, Central Islip, NY 11722
Attention: Pro Se Office

Keep this page and a copy of the complaint for your records. You may call 718-613-2665 in Brooklyn or 631-712-6060 in Central Islip if you have questions on how to file your complaint.

NEOPOST

FIRST-CLASS MAIL

04/07/2022

US POSTAGE \$001.76⁰



ZIP 10035
041M11464597

KIRBY FORENSIC PSYCHIATRIC CENTER
102 RIVERS EDGE ROAD
WARDS ISLAND, NY 10035

JONATHAN NEIRA

LOC: 9462

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LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

100 FEDERAL PLAZA
CENTRAL ISLAND, NY 11722
ATTENTION: PROSE OFFICE